



THE ATTORNEY GENERAL
OF TEXAS

JIM MATTON
ATTORNEY GENERAL

August 16, 1990

Mr. Ronald J. Neiman
Attorney at Law
City of Lewisville
386 W. Main
P.O. Box 777
Lewisville, Texas 75067

OR90-375

Dear Mr. Neiman:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 10199.

The City of Lewisville received a request for police department audiotapes concerning a woman who was taken into custody, who died after being released. The city received a claim letter from an attorney representing the estate of the woman, alleging various causes of action against the city. You indicate that suit has been filed against the city. You contend that the tapes are excepted from required public disclosure under section 3(a)(3).

We have considered the exception you claimed, and have reviewed the documents at issue. Previous determinations of this office, Open Records Decision Nos. 551 (1990); 410 (1984) copies of which are enclosed, resolve your request. For this reason, you may withhold the requested information. However, if this information is made available to the opposing parties in the lawsuit, the policy underlying section 3(a)(3) will have been served and the information may no longer be withheld under that exception.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a

published open records decision. If you have questions about this ruling, please refer to OR90-375.

Yours very truly,

David Newton

David A. Newton
Assistant Attorney General
Opinion Committee

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Ref.: ID# 10153, 10199

Enclosure: Open Records Decision No. 551

cc: Ms. Deanne Flecker
Lewisville Leader
P.O. Box 308
Lewisville, Texas 75067